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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 THE BANK OF NEW YORK MELLON AS
12 TRUSTEE FOR THE CERTIFICATE-
13 HOLDERS OF THE CWABS INC., ASSET-
14 BACKED CERTIFICATES, SERIES 2006-
15 11,

16 Plaintiff,

17 vs.

18 FIDELITY NATIONAL TITLE GROUP,
19 INC.; COMMONWEALTH LAND TITLE
20 INSURANCE COMPANY, DOE
21 INDIVIDUALS I through X; and ROE
22 CORPORATIONS XI through XX, inclusive,

23 Defendants.

Case No.: 2:22-cv-00341-ART-NJK

ORDER GRANTING

**STIPULATION
TO CONTINUE STAY OF CASE**

24 Plaintiff, The Bank of New York Mellon fka The Bank of New York, as Trustee for the
25 Certificate holders of the CWABS Inc., Asset-Backed Certificates, Series 2006-11 (“Plaintiff”)
26 and Defendants Fidelity National Title Group, Inc. and Commonwealth Land Title Insurance
27 Company (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned
28 counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and Defendants dispute, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently

1 pending in the United States District Court for the District of Nevada and Nevada state courts
 2 more than fifty actions between national banks, on the one hand, and title insurers, on the other
 3 hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA 2006
 4 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or
 5 CLTA 115.2/ALTA 5 Endorsements.

6 The Parties previously stipulated to limited stays of the case. *See* ECF Nos. 28, 33. The
 7 limited stay expires on September 19, 2023. The Parties have conferred and believe a sixty-two
 8 (62) day stay is warranted. On April 11, 2023, the Nevada Supreme Court held oral argument in
 9 two appeals involving similar coverage disputes in *PennyMac Corp. v. Westcor Land Title Ins.*
 10 *Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) and *Deutsche Bank Nat’l Trust Co.*
 11 *v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”).
 12 Decisions remain pending in both. The Parties anticipate that the Nevada Supreme Court’s
 13 decisions in the foregoing appeals may touch upon issues regarding the interpretation of policy
 14 and claims handling, that could potentially affect the disposition of the instant action.

15 In light of the forthcoming decisions, the Parties believe an additional stay of sixty-two
 16 (62) days in the instant action will best serve the interests of judicial economy. The Parties request
 17 that the action be stayed for an additional sixty-two (62) days, through and including, November
 18 20, 2023. The Parties are to submit a Joint Status Report on or before November 20, 2023. The
 19 Parties further agree that this stipulation and stay of this case is entered based on the specific
 20 circumstances surrounding this particular case, and that this stipulation shall not be viewed as a
 21 reason for granting a stay in any other pending matter.

22 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 23 stipulate and agree as follows:

- 24 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 25 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIXTY-**
 26 **TWO (62) DAYS**, through and including, November 20, 2023.
- 27 2. All deadlines currently set in this case shall remain **VACATED**.

1 3. The Parties are to submit a Joint Status Report, or further stipulation to stay, on or
2 before November 20, 2023.

3 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third
4 parties, and the Parties may enforce subpoenas that the Parties propounded to third
5 parties during the stay.

6 5. By entering into this Stipulation, none of the Parties is waiving its right to
7 subsequently move the Court for an order lifting the stay in this action.

8 **IT IS SO STIPULATED.**

9 DATED this 19th day of September, 2023.

DATED this 19th day of September, 2023.

10 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN KARGHER LLP

11 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

12 Lindsay D. Dragon, Esq.

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15 *Attorney for Plaintiff, The Bank of New York*

Attorney for Defendants, Fidelity National

16 *Mellon fka The Bank of New York, as Trustee*

Title Group, Inc. and Commonwealth Land

17 *for the Certificate holders of the CWABS*

Title Insurance Company

18 *Inc., Asset-Backed Certificates, Series 2006-*

19 *11*

20 **IT IS SO ORDERED.**

21 Dated this 20th day of September, 2023.

22 

23 Anne R. Traum

24 United States District Court Judge